

sc
AG

SEALED

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES, *ex rel.* DARON STREET,)
M.D. and R. STEVEN PAULSON, M.D.,)

Plaintiff,)

v.)

GENENTECH, INC.,)

Defendant.)

Case No. 17-CV-293-TCK-JFJ

FILED EX PARTE
AND UNDER SEAL

FILED

AUG 30 2019

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

**THE UNITED STATES' NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relators or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government’s counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date,

and to seek the dismissal of the relators' action or claims. The United States also requests that it be served with all notices of appeal.


Finally, the Government requests that the relators' Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this Notice.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

R. TRENT SHORES
United States Attorney



MARIANNE HARDCASTLE, OK Bar # 15054
Assistant United States Attorney
110 West 7th Street, Suite 300
Tulsa, OK 74119
Telephone: (918) 382-2748

ANDY J. MAO
EDWARD CROOKE
JEFFREY A. TOLL
Attorneys, Civil Division
United States Department of Justice
175 N Street NE
Washington, D.C. 20002
Telephone: (202) 305-2038

Attorneys for the United States

Dated: August 30, 2019